

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Nicholas A Navarrette,
Plaintiff(s),
vs.
Charles Daniels, *et al.*,
Defendant(s).

2:22-cv-00990-CDS-MDC

Order

Plaintiff filed a *Motion to Compel Discovery* (ECF No. 32) to compel production of his medical records. Parties then filed a *Stipulation for Extension of Time* (ECF No. 33). Parties agree that a discovery extension is needed for plaintiff to review his medical records and that plaintiff's *Motion to Compel* (ECF No. 32) should be stricken or denied without prejudice. ECF No. 33 at 2.

Sometime in November 2023, plaintiff served defendants with Request for Production of Documents seeking a copy of his medical file. In his Motion (ECF No. 32), plaintiff states that defendants did not respond to his discovery request, and on December 5, 2023, he sent letter to defendants' counsel regarding the outstanding discovery. Defendants claim that they responded to plaintiff's document request on December 5, 2023, instructing plaintiff to kite to review his medical records. *See* ECF No. 33. Apparently, the defendants' December 5, 2023, response was not received by plaintiff, which defendants did not learn until plaintiff filed his Motion (ECF No. 32). The stipulation (ECF No. 33) provides that "Counsel for Defendants is now coordinating with Defendants and NDOC to ensure that Plaintiff has the opportunity to review his medical records" (ECF No. 33 at 2:2-4). The Court appreciates defense counsel's efforts. That said, the Court reminds defendants that they have an obligation to produce to plaintiff his medical records pursuant to his discovery requests. *See* FRCP 26 and 34. Defendants cannot refuse production, delay production, or otherwise make plaintiff take the additional step to submit a kite for his medical records.

1 Accordingly,

2 **IT IS ORDERED that:**

3 1. The *Stipulation for the Extension of Time* (ECF No. 33) is GRANTED.

4 a. The Discovery cut-off date is June 18, 2024.

5 b. Dispositive Motion shall be filed no later than July 18, 2024.

6 c. Joint Pre-Trial Order shall be filed no later than August 18, 2024.

7 2. Defendants shall produce to plaintiff his medical records no later than March 29, 2024,
8 regardless of whether plaintiff submits a kite or not.

9 3. The *Motion to Compel Discovery* (ECF No. 32) is DENIED WITHOUT PREJUDICE as moot.

10 DATED this 14th day of March 2024.

11 IT IS SO ORDERED.

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14 Maximiliano D. Couvillier III
15 United States Magistrate Judge

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